

REPORT TO CABINET

REPORT OF: CORPORATE DIRECTOR (COMMUNITY SERVICES)

REPORT NO: DCS19

DATE: 4th April 2005

TITLE:	SUPPORTING PEOPLE - CONSTITUTION AND MEMORANDUM OF UNDERSTANDING.
FORWARD PLAN ITEM:	17th March 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Vulnerable People COUNCILLOR Peter Martin-Mayhew
CORPORATE PRIORITY:	CATEGORY B
CRIME AND DISORDER IMPLICATIONS:	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	
BACKGROUND PAPERS:	Supporting People (England) Directions 2003

1.0 INTRODUCTION AND SUMMARY

- 1.1 Supporting People went live on the 1st April 2003. From this date responsibility for the funding, commissioning and review of housing related support services in Lincolnshire was transferred from national government to a local decision making partnership called the Supporting People Commissioning Body.
- 1.2 Supporting People is a partnership between service users, service providers and service commissioners. The Partnership comprises representatives from Housing, Health, Probation and Social Care services. All these stakeholders have been involved in developing the Constitution and Memorandum of Understanding.
- 1.3 All agencies represented on the Supporting People Commissioning Body are being requested to adopt the Constitution and enter into the Memorandum of Understanding pursuant to Clause 4 of the Supporting People (England) Directions

2003 in order to make clear how the work required of them in the Directions will be accomplished.

2.0 RECOMMENDATION

- 2.1 Members are requested to approve the Constitution and agree to enter into the Memorandum Of Understanding for the Lincolnshire Supporting People Commissioning Body.**
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3.0 DETAILS OF REPORT

3.1 The Constitution (Attached as Appendix A)

The Constitution provides for an officer to represent the participating organisation on the Commissioning Body, with a Scrutiny Panel comprising elected members of the participating organisations to oversee the work of the Commissioning Body. Provisions have been made for the Chairman and Vice Chairman to be selected annually on rotation. On this basis the South Kesteven elected member representative will become Vice Chairman of the Scrutiny Panel on 1st April 2008 and Chairman of the Scrutiny Panel on 1st April 2009.

- 3.2** The Scrutiny Panel will have responsibility for the scrutiny of Commissioning Body decisions with appropriate call-in arrangements. It will be necessary for not less than three Scrutiny Members to action a 'call-in'. The Supporting People Scrutiny Panel would have the responsibility to consider the original decision of the Commissioning Body and the reasons for the call-in, and determine either:-

- To endorse the decision in which case the decision shall become effective from the date of such endorsement; or
- To refer the matter back to the commissioning Body for reconsideration with its own recommendations.

- 3.3** It is intended for the commissioning Body to meet at least six (6) times per year and the Supporting People Scrutiny Panel at least four (4) times per year.

Memorandum Of Understanding (Attached as Appendix B)

- 3.4** The Administering Body (Lincolnshire County Council) is required to enter into a Memorandum of Understanding with the Commissioning Body. The document sets out the functions of the Administering Body and the Commissioning Body and identifies the accountability that the Commissioning Body has to the Administering Body.

- 3.5** The Memorandum Of Understanding also makes provisions for the Commissioning Body to produce a Supporting People Strategy. This document had been prepared and will be considered by the appropriate Development and Scrutiny Panel before being submitted to Council for approval and adoption.

5.0 COMMENTS OF THE DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

No comments.

6.0 COMMENTS OF THE CORPORATE MANAGER DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER).

- 6.1 Both the Constitution and Memorandum of Association are documents that are subject to national guidance and direction. They are subject to the Supporting People (England) Regulations 2003. It therefore appears that there is limited scope for amendment to wording or structural arrangements.
- 6.2 It is therefore important to consider the way in which functions and responsibilities have been arranged. The Memorandum of Understanding is between the Commissioning Body (upon which this Council will have representatives) and the Lincolnshire County Council as the administering authority. The District Council is not, however, a party to this document. It has significance in that it sets out the functions of the Commissioning Body that this council will be a part of in terms of having a representative directly upon the Body. The functions of the Body are to produce a Supporting People Strategy and generally be responsible for operational matters . The district council representative is specified within the Constitution document to be an officer of the council and not an elected member.
- 6.3 The Constitution of the Commissioning Body is significant not only for setting out its formal management arrangements but also it makes clear that a panel will be set up to Scrutinise decisions of the Commissioning Body. Membership of that panel will be from only elected members of each district council. Elected Members role will therefore concern exclusively the scrutiny of decisions of the Commissioning Body.
- 6.4 Although these documents have already been subject to consultation and are based on national guidance, the respective officer/member roles do need to be appreciated.

7.0 CONCLUSIONS

- 7.1 The Administering Body and Commissioning Body have adopted both the Constitution and Memorandum of Understanding on an interim basis while the constituent organisations on the Commissioning Body consider whether or not to approve and adopt the documents. It appears that the arrangements are working satisfactorily.

8.0 CONTACT OFFICER

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LINCOLNSHIRE SUPPORTING PEOPLE COMMISSIONING BODY

CONSTITUTION

1. Definitions

1.1 The terms set out below shall have the following meanings unless inconsistent with the context

“Commissioning Body”	the Lincolnshire Supporting People Commissioning Body as constituted herein
“Confidential Information”	information furnished to any Participating Body, the Commissioning Body or the Supporting People Scrutiny Panel by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; or information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court
“Directions”	the Supporting People (England) Directions 2003
“Exempt Information”	information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the said Schedule in each case read as if references therein to “the authority” were references to “the Commissioning Body or any of the Participating Bodies”
“Guidance”	any guidance issued from time to time in respect of Supporting People grant
“Participating Body”	a body listed in paragraph 4.1
“Representative”	persons nominated by the Participating Bodies from time to time as members of the Commissioning Body and named from time to time on the list of Representatives maintained by the Secretary under paragraph 4.2
“Scrutiny Member”	shall have the meaning set out in paragraph 5.1
“Secretary”	the person identified under paragraph 15 of this Constitution from time to time to provide administrative and secretarial services to the Commissioning Body
“Supporting People Scrutiny Panel”	shall have the meaning set out in paragraph 5.1

2. Name

- 2.1 The full name of the Commissioning Body shall be the Lincolnshire Supporting People Commissioning Body.

3. Objects

- 3.1 The Commissioning Body is established to fulfil the functions of the Commissioning Body as set out in the Directions and the Guidance from time to time and to carry out such role as shall be set out in any Memorandum of Understanding entered into under paragraph 4 of the Directions from time to time.

4. Membership of the Commissioning Body

- 4.1 The Commissioning Body shall consist of the representatives from the Participating Bodies set out below:

Lincolnshire County Council	One Representative
City of Lincoln Council	One Representative
West Lindsey District Council	One Representative
East Lindsey District Council	One Representative
North Kesteven District Council	One Representative
South Kesteven District Council	One Representative
Boston Borough Council	One Representative
South Holland District Council	One Representative
West Lincolnshire Primary Care Trust	} One Representative between them ("the PCT Representative")
Lincolnshire South West Teaching Primary Care Trust	
East Lincolnshire Primary Care Trust	
Lincolnshire Probation Service	One Representative

- 4.2 Each Representative on the Commissioning Body shall be an officer of the Participating Body that they represent and shall not be an elected member (in the case of a local authority) or (in the case of a Primary Care Trust or the Probation Service) a member of their governing Boards. The Secretary shall establish and maintain a list of the nominated Representatives of the Participating Bodies from time to time. The Lincolnshire County Council Representative shall not be the Accountable Officer for Supporting People.

- 4.3 Each Participating Body shall be entitled on giving written notice to the Secretary to appoint a replacement Representative in the event of any resignation or casual vacancy or in the event that its Representative is unable to attend any meeting so as to ensure that the Participating Body is represented at the next meeting of the Commissioning Body.

5. Supporting People Scrutiny Panel

- 5.1 There shall be established a Panel to be known as the Supporting People Scrutiny Panel which shall consist of representatives of the Participating Bodies (to be known as Scrutiny Members) as set out in the table at paragraph 4.1. Each Scrutiny Member shall (in the case of local authorities) be an elected member of the Participating Body that they represent and shall (in the case of the Primary Care Trusts or the Probation Service) be a member of the relevant governing Board. The Scrutiny Member on behalf of the Primary Care Trusts shall be known as the PCT Scrutiny Member.
- 5.2 The Secretary shall establish and maintain a list of the nominated Scrutiny Members of the Participating Bodies from time to time.
- 5.3 Each Participating Body shall be entitled on giving written notice to the Secretary to appoint a replacement Scrutiny Member in the event of any resignation or casual vacancy or in the event that its Scrutiny Member is unable to attend any meeting so as to ensure that the Participating Body is represented at the next meeting of the Supporting People Scrutiny Panel.
- 5.4 In the financial year 2004/2005 the Chairman of the Supporting People Scrutiny Panel shall be the Scrutiny Member from Lincolnshire County Council and the Vice Chairman shall be the Scrutiny Member from Lincolnshire Probation Service. The Vice Chairman shall automatically become the Chairman on 1 April in each subsequent financial year commencing with the Lincolnshire Probation Service Scrutiny Member becoming Chairman on 1 April 2005. The Scrutiny Members from the other Participating Bodies shall become Vice Chairman in the order set out in the following table and so will become Chairman in the following financial year.

Date	Scrutiny Member to become Vice Chairman
1 April 2005	North Kesteven District Council
1 April 2006	The PCT Scrutiny Member
1 April 2007	South Holland District Council
1 April 2008	South Kesteven District Council
1 April 2009	West Lindsey District Council
1 April 2010	Boston Borough Council
1 April 2011	East Lindsey District Council
1 April 2012	City of Lincoln Council

- 5.5 The role of the Supporting People Scrutiny Panel shall be to carry out the functions and only the functions set out in paragraph 11 below.
- 5.6 The quorum for the Supporting People Scrutiny Panel shall be not less than 6 Scrutiny Members in attendance. Neither the Chairman nor the Vice Chairman need be in attendance for a meeting of the Supporting People Scrutiny Panel to be quorate. If the Chairman is not in attendance within 15 minutes of the scheduled start of the meeting

or at the time when the meeting becomes quorate if it is outside the said period of fifteen minutes but the Vice Chairman is in attendance then the Vice Chairman shall chair the meeting. If neither the Chairman nor the Vice Chairman are in attendance within 15 minutes of the scheduled start of the meeting or at the time when the meeting becomes quorate if it is outside the said period of fifteen minutes then those present shall elect a chairman for that meeting.

- 5.7 Failure to achieve a quorum within thirty minutes of the time advised for any meeting of the Supporting People Scrutiny Panel shall render the meeting closed and the meeting shall be deemed to have endorsed the original Commissioning Body decision.
- 5.8 Any meeting of the Supporting People Scrutiny Panel which becomes inquorate shall cease its business until a quorum is re-established provided that a quorum is re-established within 30 minutes of the meeting becoming inquorate. Failure to re-establish a quorum within the said time of 30 minutes shall render the meeting closed. Decisions taken while the meeting was quorate shall remain valid. Otherwise the meeting shall be deemed to have endorsed the original Commissioning Body decision.

6. Attendance at Meetings of the Commissioning Body

- 6.1 The Commissioning Body shall be entitled to invite such other persons as it shall see fit to attend its meetings.
- 6.2 Unless otherwise determined by the Commissioning Body the following Participating Bodies and other bodies shall be entitled to send the following numbers of persons to meetings of the Commissioning Body and in the case of Participating Bodies such persons shall be entitled to attend in addition to the Representative of those Participating Bodies

Body	Numbers of Persons
Lincolnshire County Council	One person
West Lincolnshire PCT	One person
East Lincolnshire PCT	One person
Lincolnshire South West PCT	One person
Lincolnshire Housing Forum	Two persons

- 6.3 The Scrutiny Member from time to time of any of the Participating Bodies or any replacement Scrutiny Member nominated in accordance with paragraph 5.3 shall be entitled to attend any meeting of the Commissioning Body in addition to the Representative of that Participating Body. Such Scrutiny Members shall be sent copies of all papers prepared for any meeting of the Commissioning Body at the same time as the papers are sent to the Representatives. A Scrutiny Member shall be entitled at any stage of a meeting of the Commissioning Body to request a short adjournment (not exceeding 15 minutes) to the meeting and such an adjournment shall be granted. Save for such right to request an adjournment, the Scrutiny Members shall have such rights in respect of meetings of the Commissioning Body as are granted from time to time in accordance with paragraph 6.4 below.
- 6.4 Subject to paragraph 6.3, invitees, persons entitled to attend under paragraph 6.2 and Scrutiny Members shall be entitled to take such part and only such part in meetings of the Commissioning Body as the Commissioning Body shall determine and for the avoidance of doubt no person other than a Representative shall be entitled to vote.

- 6.5 Each body entitled to appoint a person under paragraph 6.2 above shall notify the Secretary of the identity of the person so appointed and any changes thereto from time to time. Unless the Commissioning Body otherwise determines, the said persons shall be entitled to receive all information provided to the Commissioning Body, shall be entitled to attend meetings of the Commissioning Body and to take part in its debates and discussions. No such person shall be entitled to vote.

7. Chairmanship of the Commissioning Body

- 7.1 In the financial year 2004/2005 the Chairman of the Commissioning Body shall be the Representative from Boston Borough Council and the Vice Chairman shall be the Representative from East Lindsey District Council. The Vice Chairman shall automatically become the Chairman on 1 April in each subsequent financial year commencing with the East Lindsey Representative becoming Chairman on 1 April 2005. The Representatives of the other Participating Bodies shall become Vice Chairman in the order set out in the following table and so will become Chairman in the following financial year.

Date	Representative to become Vice Chairman
1 April 2005	Lincoln City Council
1 April 2006	Lincolnshire County Council
1 April 2007	Lincolnshire Probation Service
1 April 2008	North Kesteven District Council
1 April 2009	The PCT Representative
1 April 2010	South Holland District Council
1 April 2011	South Kesteven District Council
1 April 2012	West Lindsey District Council

8. Quorum of the Commissioning Body

- 8.1 A meeting of the Commissioning Body shall be quorate if not less than 6 Representatives are in attendance. Neither the Chairman nor the Vice Chairman need be in attendance for a meeting of the Commissioning Body to be quorate. If the Chairman is not in attendance within 15 minutes of the scheduled start of the meeting or at the time when the meeting becomes quorate if it is outside the said period of fifteen minutes but the Vice Chairman is in attendance then the Vice Chairman shall chair the meeting. If neither the Chairman nor the Vice Chairman are in attendance within 15 minutes of the scheduled start of the meeting or at the time when the meeting becomes quorate if it is outside the said period of fifteen minutes then those present shall elect a chairman for that meeting.
- 8.2 Failure to achieve a quorum within thirty minutes of the time advised for any meeting of the Commissioning Body shall render the meeting adjourned for seven days after which the meeting shall be reconvened.
- 8.3 Any meeting of the Commissioning Body which becomes inquorate shall cease its business until a quorum is re-established provided that a quorum is re-established within 30 minutes of the meeting becoming inquorate. Failure to re-establish a quorum within the said time of 30 minutes shall render the meeting closed. Decisions taken while the meeting was quorate shall remain valid.

9. Voting Rights of the Commissioning Body

9.1 Each Representative on the Commissioning Body shall have one vote.

10. Decisions of the Commissioning Body

10.1 In accordance with Schedule 1 of the Directions any decisions made by the Commissioning Body shall be by a unanimous vote. Where there is a failure to reach unanimity on any of the issues referred to in paragraph 5 of Schedule 1 of the Directions, Lincolnshire County Council as the Administering Authority under the Directions may refer the matter to the Secretary of State as set out in paragraph 5 of Schedule 1 of the Directions.

10.2 Each Representative shall be deemed to have been granted by his or her Participating Body such delegated authority as shall be necessary to enable them to assent on its behalf to any decision of the Commissioning Body and no decision of the Commissioning Body shall be invalidated by any failure of such delegation.

10.3 In respect of any vote taken at a quorate meeting of the Commissioning Body, any Representative who does not record a vote against the matter for decision shall be deemed to have voted in favour of it.

10.4 Without prejudice to paragraph 13 below, a Record of Decision in relation to each decision taken at a meeting of the Commissioning Body shall be sent out to all Scrutiny Members of the Participating Bodies within 5 working days of the relevant Commissioning Body meeting. The Record of Decision shall be deemed to have been sent out on the date it was posted or in the case of facsimile or e-mail transmission on the date it was sent, whether or not it was received.

10.5 A decision of the Commissioning Body shall not be effective until a period of 10 working days has elapsed from the date on which the Record of Decision was sent out in accordance with paragraph 10.4. If called-in for scrutiny under paragraph 11 the decision shall not become effective except in accordance with paragraph 11.4.1. A decision taken by the Commissioning Body on a matter referred back to the Commissioning Body by the Supporting People Scrutiny Panel pursuant to paragraph 11.4.2 shall be effective from the date on which it is taken.

11. Scrutiny of Commissioning Body Decisions

11.1 If, within the period of 10 working days after the date that a Record of Decision was sent out in accordance with paragraph 10.4, not less than three Scrutiny Members shall, by written notice complying with paragraph 11.2, notify the Secretary of their wish to call any decision in, the decision specified in such notice shall stand called-in. Notice may be given by any number of Scrutiny Members jointly or by any Scrutiny Member individually. At any time prior to any Commissioning Body decision being taken, a Scrutiny Member who believes that he or she will not be sufficiently available within the 10 working days after the decision to exercise their call-in power properly or at all may notify the Secretary that his or her call-in power will be exercised in relation to any decision or decisions specified in the notice by a named substitute. If such notice is given, the named substitute shall be entitled to exercise that Scrutiny Members' power of call-in and any written notice of call-in signed by the named substitute shall be effective as if signed by the Scrutiny Member concerned in respect

of those decisions and only those decisions specified by the Scrutiny Member in his notice.

- 11.2 A written notice under paragraph 11.1 shall specify the decision to be called in and set out the reasons for the call-in.
- 11.3 On receipt of the requisite notices under paragraph 11.1 the Secretary shall arrange a meeting of the Supporting People Scrutiny Panel for a date not later than 10 working days after receipt by the Secretary of the last of the required notices.
- 11.4 At the meeting convened pursuant to paragraph 11.3 the Supporting People Scrutiny Panel shall consider the original decision and the reasons for the call-in and determine either
 - 11.4.1 to endorse the decision in which case the decision shall become effective from the date of such endorsement; or
 - 11.4.2 to refer the matter back to the Commissioning Body for reconsideration with its own recommendation.

If the decision is referred back to the Commissioning Body the Commissioning Body shall reconsider the matter at its next meeting and its decision at its next meeting on that matter shall be final and shall not be capable of further call-in.

- 11.5 The Supporting People Scrutiny Panel shall regulate its own proceedings provided that
 - 11.5.1 the Commissioning Body shall be entitled to attend the meeting and shall be given reasonable support and opportunity to give its reasons for the decision and the evidence on which it is based and to answer any objections thereto; and
 - 11.5.2 the Scrutiny Members who submitted notices calling-in the decision shall be afforded a reasonable opportunity to explain their reasons for calling in the decision and the evidence on which such call-in was based.
- 11.6 Each Scrutiny Member shall have one vote.
- 11.7 A simple majority of votes shall be required for a resolution of the Supporting People Scrutiny Panel to endorse a Commissioning Body decision the subject of a call-in. In the event of an equality votes the decision the subject of the call-in shall be referred back to the Commissioning Body.
- 11.8 Subject to paragraphs 11.9 and 11.10 meetings of the Supporting People Scrutiny Panel shall be open to the press, public and observers.
- 11.9 The press, public and observers shall be excluded from a meeting of the Supporting People Scrutiny Panel whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if the press, public or observers were present during that item Confidential Information would be disclosed to them in breach of the obligation of confidence.
- 11.10 The press, public and observers may by simple majority vote be excluded from a meeting of the Supporting People Scrutiny Panel whenever it is likely, in view of the

nature of the business to be transacted or the nature of the proceedings, that if the press, public or observers were present during that item Exempt Information would be disclosed to them.

12. Frequency and Venue – Commissioning Body and Supporting People Scrutiny Panel

12.1 The Commissioning Body shall meet as and when necessary to fulfil the objects in paragraph 3 but in any event shall meet a minimum of six times in each financial year. Meetings shall take place at a venue and on such dates and times as shall be agreed by the Commissioning Body. Where such dates times and venues cannot be agreed the Chairman or in his or her absence the Vice Chairman shall select the date time and of the next meeting.

12.2 At least 14 days notice of a meeting shall be given to each Participating Body and their Representative by the Secretary. Such notice will give the date, time and venue for the meeting.

12.3 The Supporting People Scrutiny Panel shall meet as and when necessary to consider a call-in under paragraph 11. Meetings shall take place at a venue and on such dates and times as shall be notified to the Scrutiny Members by the Secretary.

12.4 In addition, the Supporting People Scrutiny Panel shall meet as and when it chooses to, but this should be at least four times each year.

13. Minutes – Commissioning Body and Supporting People Scrutiny Panel

13.1 The Secretary or his nominated representative shall prepare the minutes of all Commissioning Body meetings and shall distribute a fair copy to each Representative within 14 days of the date of the meeting in question.

13.2 The Secretary or his nominated representative shall prepare the minutes of all Supporting People Scrutiny Panel meetings and shall distribute a fair copy to each Representative and each Scrutiny Member within 14 days of the date of the meeting in question.

14. Disclosure of Interests of Representatives and Scrutiny Members

14.1 Representatives (in relation to the Commissioning Body) and Scrutiny Members (in relation to the Supporting People Scrutiny Panel) shall comply with the provisions relating to the disclosure of interests set out in their own organisation's governance arrangements.

14.2 All disclosures of interests shall be recorded in the minutes.

15. Secretary

15.1 The Secretary to the Commissioning Body shall be the County Secretary and Solicitor of Lincolnshire County Council or a representative thereof notified from time to time to Representatives and Scrutiny Members by the Committee Services Section of the County Secretary and Solicitor's Office of Lincolnshire County Council.

15.2 The Commissioning Body shall be serviced by the County Secretary and Solicitor's Office Committee Services Section of Lincolnshire County Council whose costs will be met from the Supporting People Administration grant.

16. Alterations to the Constitution

16.1 Full details of any proposal to alter this constitution must be delivered in writing to the Secretary not less than 14 days prior to the date of the meeting at which it is first to be considered. Any alteration will require a unanimous decision of the Commissioning Body and the approval of the Administering Authority.

17. Adoption of the Constitution

17.1 This Constitution was adopted as the Constitution of the Lincolnshire Supporting People Commissioning Body at a meeting duly convened at Lincolnshire County Offices.

Signed for and on behalf of Lincolnshire County Council

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Signed for and on behalf of Boston Borough Council

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Signed for and on behalf of City of Lincoln Council

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Signed for and on behalf of West Lindsey District Council

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Signed for and on behalf of East Lindsey District Council

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Signed for and on behalf of North Kesteven District Council

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Signed for and on behalf of South Kesteven District Council

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Signed for and on behalf of South Holland District Council

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Signed for and on behalf of Lincolnshire Probation Service

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Signed for and on behalf of West Lincolnshire Primary Care Trust

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Signed for and on behalf of East Lincolnshire Primary Care Trust

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Signed for and on behalf of Lincolnshire South West Teaching Primary Care Trust

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LINCOLNSHIRE SUPPORTING PEOPLE COMMISSIONING BODY

MEMORANDUM OF UNDERSTANDING

1. This Document

This document is a Memorandum of Understanding between Lincolnshire Supporting People Commissioning Body and Lincolnshire County Council. The parties are entering into this Memorandum of Understanding pursuant to Clause 4 of the Supporting People (England) Directions 2003 ('the Directions') in order to make clear how the work required of them in the Directions will be accomplished.

2. The Administering Authority

Pursuant to Clause 1(ii) of the Directions the Administering Authority will be Lincolnshire County Council.

3. The Commissioning Body

Pursuant to Clause 2 of the Directions the Commissioning Body is the body established by the Lincolnshire Supporting People Commissioning Body Constitution adopted on 10 March 2005.

4. Functions of Administering Authority

(1) The Administering Authority shall:

- (a) ensure that payments of Supporting People grant monies are in accordance with the intended allocation of Supporting People grant for each welfare service category set by the Commissioning Body pursuant to sub-paragraph 5(3) of the Directions.
- (b) advise the Commissioning Body whether or not proposed arrangements for access to Supporting People services would enable the Commissioning Body to meet any cross-authority service baseline target.
- (c) advise whether the adoption by the Commissioning Body of a Supporting People strategy, annual plan or significant change to those documents would result in the termination of funding of any designated service.
- (d) advise the Commissioning Body on financial and compliance matters affecting the Supporting People programme grant, including but not limited to:
 - (i) Supporting People budgetary constraints
 - (ii) contractual risks
 - (iii) whether a service is an eligible welfare service.
 - (iv) whether a proposed decision of the Commissioning Body will or is likely to be contrary to any Supporting People guidance; and
 - (v) whether a proposed decision of the Commissioning Body will or is likely to place the Administering Authority in breach of these Directions or any Conditions attached to a Supporting People programme grant.

- (e) assist the Commissioning Body in preparing its Supporting People strategy and annual plan and any changes to those documents.
 - (f) send as soon as reasonably practicable a copy of the draft Supporting People strategy and annual plan and any proposed significant changes to those documents to the Secretary of State for his consideration; and
 - (g) refer any proposed significant change needed to the Supporting People strategy and annual plan to the Commissioning Body for consideration.
- (2) The Administering Authority shall compile and maintain a list of all Supporting People services in the Commissioning Body's area. The list shall use the definitions set out in the SPLS Extract Data Dictionary and File Formats document (published by the Office of the Deputy Prime Minister in September 2002).
- (3) The Administering Authority shall maintain a record of levels of cross-authority access to services within the Commissioning Body area.
- (4) In addition the Administering Authority shall maintain administrative systems which are capable of:
- (a) compiling and maintaining the information relating to the Supporting People services referred to in sub-paragraph 7(2) of the Directions.
 - (b) ring-fencing the Supporting People programme grant monies.
 - (c) interfacing with the administrative systems of the Secretary of State; and
 - (d) ascertaining, at any given time, Supporting People programme grant receipts and expenditure against Supporting People programme grant monies made by the authority.
- (5) The Administering Authority shall use its best endeavours to ensure that the Commissioning Body has the ability:
- (a) to agree a Supporting People strategy and annual plan, having regard to any Supporting People guidance, which includes the matters referred to in sub-paragraphs (2) and (3) of the Directions respectively.
 - (b) to have due regard to any comments made by the Secretary of State on the Supporting People strategy or annual plan or any proposed significant changes to those documents.
 - (c) to consider any proposed significant changes to the approved Supporting People strategy and annual plan; and
 - (d) to review the approved Supporting People strategy in a manner which has regard to any Supporting People guidance.
- (6) Without prejudice to the foregoing the Administering Authority will carry out those tasks set out in relation to the Administering Authority in the "Roles and Responsibilities within the Supporting People Programme" document attached to this Memorandum of Understanding at Appendix A

5. Functions of the Commissioning Body

- (1) The Commissioning Body shall:

- (a) agree a Supporting People strategy and annual plan, having regard to any Supporting People guidance, which includes the matters referred to in sub-paragraphs (2) and (3) of the Directions respectively;
 - (b) have due regard to any comments made by the Secretary of State on the Supporting People strategy or annual plan or any proposed significant changes to those documents;
 - (c) consider any proposed significant changes to the approved Supporting People strategy and annual plan; and
 - (d) review the approved Supporting People strategy in a manner which has regard to any Supporting People guidance.
- (2) The matters that will be included in the Supporting People strategy are:
- (a) a description of the different classes of welfare service recipients and their actual and predicted needs (including a separate description of the nature and level of current cross-authority access to services and the likely needs of cross-authority service recipients in the future).
 - (b) a description of the nature and level of current Supporting People service provision including areas of poor provision (including a separate description of the nature and level of current cross-authority access to service including reference to the current cross-authority service baseline targets).
 - (c) a description of the changes to be made to the current Supporting people service provision.
 - (d) a description of any new high-cost projects proposed and a description of any existing high-cost projects (including the proposed duration of such projects).
 - (e) the rules for the charging of service recipients, which shall include:
 - (i) the circumstances in which there is to be relief from charges.
 - (ii) the process for making an application for relief.
 - (iii) the rules for determining the relevant date of application.
 - (iv) the rules for recovery from service recipients of overpayments; and
 - (v) details of the review mechanism which is to apply where a service recipient disputes any decision under the charging rules; and
 - (f) an explanation of the consultation undertaken by the Commissioning Body with service providers, service recipients and other interested parties.
- (3) The matters that will be included in each annual plan are:
- (a) the intended allocation of Supporting People grant for each welfare category.
 - (b) a description of the changes identified in the Supporting People strategy which are programmed to be implemented that year, including a description of any changes to cross-authority access to services to be introduced in that year.
 - (c) a description of any new high-cost projects proposed for that year; and
 - (d) a description of the process and the date by which each change is to be delivered.
 - (e) high cost is defined as ‘whether the cost of the service is such that it has a significant impact on the overall management of the Supporting People budget’.

- (4) Without prejudice to the foregoing the Commissioning Body will carry out those tasks set out in relation to the Commissioning Body in the “Roles and Responsibilities within the Supporting People Programme” document attached to this Memorandum of Understanding at Appendix A

6. Accountability of the Commissioning Body to the Administering Authority

In acknowledgement that the Supporting People grant is paid to and audited by the Administering Authority the Commissioning Body shall not knowingly pursue a strategy which causes the grant available to be exceeded. In addition it will co-operate with the Administering Authority should it become apparent the grant may at any time be exceeded by amending its strategy to bring it into the parameters of grant availability.

7. Review

The partners will keep the Memorandum under review in the light of emerging legislation guidance and directions and the developing needs of the people of Lincolnshire.

8. Legal Consequences

Whilst the Memorandum sets out the expectations of the parties, it is not intended that failure by any party to achieve those intentions will incur legal consequences actionable as a result of this Memorandum.

9. Glossary of Terms

‘eligible welfare service’ bears the meaning given in condition 2 of Annex B to the Supporting People programme grant.

‘high-cost project’ means a project which, due to the high level of unit cost in provision of the service, the Commissioning Body requires the Administering Authority to report details of its costs, and the range of Supporting People services provided to the service recipient.

‘section 93’ means section 93 of the Local Government Act 2000.

‘service provider’ means a person who provides, or arranges for the provision of, welfare services where those services are paid for.

‘Supporting People programme grant’ means the Supporting People programme grant determination in respect of the Administering Authority made by the Secretary of State under section 93.

‘Supporting People guidance’ means guidance issued by the Secretary of State under section 93 in relation to Supporting People programme grants or the Supporting People (England) Directions 2003.

‘Supporting People service’ means an eligible welfare service paid for (in part or in full) out of Supporting People programme grant monies; and

‘Supporting People strategy’ means the strategy approved (and from time to time reviewed and updated) by the Commissioning Body.

SIGNED for and on behalf of the Commissioning Body

.....

Chairman

SIGNED for and on behalf of the Administering Authority

.....

Authorised Officer

ROLES & RESPONSIBILITIES WITHIN THE SUPPORTING PEOPLE PROGRAMME

Introduction

This section of the document clarifies the respective roles and responsibilities of the main players within the Supporting People framework in Lincolnshire covering:

- The Commissioning Body;
- The Administering Authority;
- Elected Members;
- The Supporting People Accountable Officer; and
- The Supporting People Lead Officer.

The Supporting People programme in Lincolnshire is a partnership, bringing together a range of skills, knowledge and resources from across the Administering Authority and commissioning partners.

The Commissioning Body

- A Partnership of senior representatives with decision making powers from:
 - Administering Authority, which is the County Council
 - The National Probation Service in Lincolnshire
 - The three Primary Care Trusts
 - All of the District Authorities
 - Non-voting Representatives of the Lincolnshire Housing Forum
- This document describes the Constitution and Memorandum of Understanding which describe the clear agreement on voting arrangements, when these will be invoked and how conflicts will be addressed and resolved. The roles of local authority elected members and PCT and Probation board members should be determined and agreed.
- The Commissioning Body will provide a strategic oversight of the Supporting People programme in Lincolnshire– including (but not solely) :
 - Oversight of service review process
 - Agree objectives and timetable for reviews
 - Understanding of process for reviews
 - Agree process of receiving reports on reviews
 - Monitoring of progress against timetable
 - Hear a review of a service review, where requested by a provider
 - Oversight of commissioning and decommissioning process
 - Set strategic objectives
 - Agree overall process, including rules for where decisions can be delegated and where key decisions come to the CB
 - Oversight of forward strategic planning

- Ensure preparation and publication of 5-Year Strategy
 - Provide strategic steer for preparation of strategy
 - Agree and monitor progress of process for preparation of strategy
 - Set local Supporting People priorities, as reflected in strategy
 - Ensure strategy recognises and addresses cross-authority and regional issues, including collaborative opportunities
 - Ensure the strategy reflects the priorities of the Community Plan
 - Sign off and own strategy
- Oversight of administration of the programme by the Administering Authority
 - Satisfy selves that grant conditions and statutory guidance are being adhered to
 - Satisfy selves that SP is being delivered in line with the strategy
 - Receive and approve key performance information on service reviews, progress against key milestones & grant expenditure
- Partners should be represented at a level which allows the partnership to take strategic and commissioning level decisions – not only as the Commissioning Body, but on behalf of their own organisations
 - Partners should bring their own expertise to the decision making process, as part of ensuring that all issues are covered. But decisions should be taken in the interest of the overall local programme and in accord with the Community Plan.

Other Strategic Groups

At the present time the Supporting People programme in Lincolnshire does not have a Core Strategy Group. Other temporary groups have undertaken some of the functions formally carried out by the Core Strategy Group, particularly around the development of the 5-Year Strategy.

For the future, the Supporting People programme in Lincolnshire is considering whether to establish a Strategy Implementation Group to drive forward the implementation of the 5-Year Strategy from 2005.

The Administering Authority

- Responsible for the day-to-day administration and delivery of the Supporting People programme.
- The Administering Authority is not synonymous with the Supporting People team. While the Supporting People team will lead within the Administering Authority on SP matters, it is the wider authority which is responsible for the programme. As such, the Supporting People team draws on access to support and expertise from across the authority. In the future it is likely the Supporting People Team will be integrated into the mainstream work of the authority to make best use of the range of relevant expertise within the authority.
- Principal responsibilities are to :
 - Service and facilitate the Commissioning Body. The Administering Authority effectively acts as a Secretariat to the Commissioning Body, which relies on it for timely support and advice. This function requires the agreement of clear lines of responsibility and communication, which are reflected in the Memorandum of Understanding;

- Carry out the service review process and report outcomes to Commissioning Body as agreed;
- Undertake the research and development of the 5-Year Strategy under the direction of the Commissioning Body;
- Manage the individual Supporting People contracts, payments and the relationships with the providers;
- Monitor and report grant expenditure;
- Carry out performance monitoring and management and report to the relevant bodies at agreed intervals including national Supporting People Performance Indicators;
- Develop local PIs with key partners and be responsible for their collection and analysis;
- Deliver the programme in line with the strategic objectives set by the Commissioning Body and secure Best Value;
- Manage the overall programme in line with the standing orders of the local authority and with best practice in procurement and contract and programme management;
- Build and maintain links with other authorities, agencies, service users and delivery partners;
- Pursue and realise opportunities for cross-authority and cross-agency procurement and service delivery;
- Ensure the availability of good communication and ease of access to services for all users;
- Carry out reality checks to ensure quality of services; and
- Manage, support and encourage the provider base.

Elected Members

- Elected Members need to ensure corporate support for the Supporting People programme. Within this, they should make sure that :
 - Supporting People is well integrated into local plans for housing, social care, education, employment and regeneration;
 - Connections are made between Supporting People and other local programmes (both those delivered by the authority and others more broadly); and
 - Supporting People becomes part of the mainstream of council activity.
- Members should act as champions for the programme to ensure it is recognised within the authority, including by partners and the general public. Publicly acknowledging and valuing the programme will assist officers in making and maintaining effective working relationships with commissioning partners and with providers.

- Through their local ward knowledge, elected Members have a key role in informing and making the case for services for vulnerable people and in feeding back experiences of people who use the services. This will include not only existing service users but many who may be at present denied a service, perhaps because of gaps in service provision, or because of some of the tenure restrictions of legacy services.
- Clear arrangements will need to be put in place between the Administering Authority and Commissioning Body to allow elected Members to feed their knowledge, including the local political perspective, into Commissioning Body deliberations.
- In Lincolnshire this is achieved through the development of a specific scrutiny function and the establishment of the Elected Member SP Scrutiny Panel. Furthermore, members of the Scrutiny Panel may attend any Commissioning Body meeting as an observer.
- Elected members may wish to consider developing partnership arrangements with board members in the PCTs and Probation in order to strengthen and consolidate the partnership arrangements established through the Commissioning Body. They may also wish to put in place similar arrangements to support cross-authority partnership working.

The Accountable Officer

- The Accountable Officer should have sufficient seniority to actively participate in key strategic groups in order to drive forward the programme and mainstream SP into everyday AA activity. In Lincolnshire the Assistant Director, Social Inclusion is the Accountable Officer.
- The Accountable Officer is also responsible for ensuring that the Supporting People programme is recognised within the authority and that the SP team is able to access the resources and support needed to administer the programme.
- This is a very different role from that of the lead officer who actively manages all the tasks and people involved in delivering the programme – the SP lead officer is often line managed by the Accountable Officer.
- Clear lines of responsibility for the SP lead officer and Accountable Officer are essential.
- Prior to summer 2004, the Accountable Officer chaired the Commissioning Body. However, following the Audit Commission inspection it was recognised that this was not appropriate and this is reflected in the Constitution. The Accountable Officer is answerable to the Commissioning Body for the performance of the programme on behalf of the Administering Authority.
- The Accountable Officer has a key role in establishing and sustaining partnerships with PCTs and Probation at strategic and operational levels.

The Lead Officer (Supporting People Strategic Co-ordinator)

- Manages the team which carries out the day-to-day administration of the programme.
- With the SP team, the Lead Officer ensures that the responsibilities and functions of the Administering Authority are carried out – i.e.

- Service and facilitate the Commissioning Body;
- Manage the service review process;
- Facilitate the development of the 5-Year Strategy;
- Manage the individual Supporting People contracts and the relationships with the providers;
- Ensure delivery of the programme in line with the strategic objectives set by the Commissioning Body and consistently with Best Value requirements;
- Manage the overall programme in line with propriety and financial probity rules;
- Build and maintain links with other authorities, agencies and delivery partners and act as SP representatives on other bodies and groups;
- Pursue and realise opportunities for cross-authority and cross-agency procurement and service delivery;
- Provide support and encouragement to the provider base; and
- Ensure opportunities for consultation with providers, users and other stakeholders.